

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DAVID PASKALIK,	:	
	:	CASE NO. 1:10-CV-2869
Plaintiff,	:	
vs.	:	OPINION & ORDER
	:	[Resolving Doc. No. 1 , 13]
COMMISSIONER OF SOCIAL	:	
SECURITY ADMINISTRATION,	:	
Defendant.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On December 20, 2010, Plaintiff David Paskalik filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny him disability benefits. The matter was referred to Magistrate Judge George J. Limbert pursuant to Local Rule 72.2. On August 31, 2011 the case was referred to Magistrate Judge Kathleen B. Burke pursuant to General Order 2011-18. On December 16, 2011, Magistrate Judge Burke issued a Report and Recommendation recommending that this Court affirm the Commissioner's decision. [Doc. [13](#).]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. [Id.](#); [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a

Case No. 1:10-CV-2869
Gwin, J.

party's right to appeal the district court's judgment. *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate judge's report without review. See Thomas, 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, having conducted its own review of the Report and Recommendation, record, and parties' briefs, the Court agrees with the recommendation of Magistrate Judge Burke that the Court affirm the Commissioner's decision.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference, and **DISMISSES** Plaintiff Paskalik's complaint.

IT IS SO ORDERED.

Dated: March 5, 2012

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE